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**APR 21 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Kenneth W. Stearns :  
Application No. 09/981,315 : DECISION GRANTING PETITION  
Filed: October 16, 2001 : UNDER 37 CFR 1.137(b)  
For: EXERCISE METHODS AND APPARATUS :

This is a decision on the petition under 37 CFR 1.137(b), filed December 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 10, 2004, as required by the Notice of Allowance and Fee(s) Due, mailed May 10, 2004. A Notice of Abandonment was mailed on September 14, 2004.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees; (2) the petition fee; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the Notice of May 10, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3217.

This matter is being referred to Publishing Division.

*Frances Hicks*  
Brian Hearn

Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy